

IN RE: PETITION FOR ZONING VARIANCE
NE/Corner Maple and South
Cove Roads (2213 Maple Road)
15th Election District
7th Councilmanic District
Joseph L. Banks, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-199-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an open projection (deck) attached to a dwelling and a side yard setback of 10 feet in lieu of the required 18.75 feet in accordance with Petitioner's Exhibit 1.

The Petitioners, by Mrs. I. Dolores Banks, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 2213 Maple Road consists of .268 acres zoned D.R. 5.5 and is improved with a single family dwelling and detached garage. Said property is located within the Chesapeake Bay Critical Areas near North Point Creek. Petitioners are desirous of constructing a 10' x 20' open deck attached to the existing dwelling on the south side of the property. Due to the layout of the dwelling and its location on the lot, the site proposed is the most practical; however, the deck will be located 10 feet off the side property line. Testimony indicated that the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding community.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore

be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Areas which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of December, 1989 that the Petition for Zoning Variance to permit an open projection (deck) attached to a dwelling with a side yard setback of 10 feet in lieu of the required 18.75 feet in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return,

and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated November 27, 1989, attached hereto and made a part hereof.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1. and 301.1 to permit an open projection (deck) attached to a dwelling to have a side yard setback of 10 feet in lieu of the required 18.75 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty.)

No other place available to build a deck that is convenient to a door and in keeping with the aesthetics of the house. See Attached.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney's Telephone No.: _____
Address _____
Phone No. _____

Legal Owner(s):
Joseph L. Banks
(Type or Print Name)
Signature _____
Address _____
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
Name _____
Address _____
Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of Sept 1989 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 28th day of Nov 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

Filed 9/19/89 by JPH
Applicant notified by certified mail.
for critical area requirements.
during any time any day.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
FROM: Mr. Robert W. Shesley
SUBJECT: Petition for Zoning Variance - Item 64
Banks Property
Chesapeake Bay Critical Area Findings

DATE: November 27, 1989

RECEIVED
NOV 28 1989
ZONING OFFICE

SITE LOCATION

The subject property is located at 2213 Maple Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Banks

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C.1. and 301.1 of the Baltimore County Zoning Regulations to permit an open projection (deck) attached to a dwelling to have a side yard setback of 10 feet in lieu of the required 18.75 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife, and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

COMAR 14.15.10.01.09

Memo to Mr. J. Robert Haines
November 27, 1989
Page 3

Findings: The existing forested vegetation on this property covers at least 15%. Any trees removed shall be replaced on a 1:1 basis.

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorus associated with them.

4. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" (COMAR 14.15.02.04 C.(7)).

Findings: There is currently 17%, or 2016 square feet of impervious surface on the 11,680 square foot lot. The applicant proposes to construct an open slat wooden deck either with porous stone or existing natural surface underneath. This is considered a pervious structure. No additional development which increases the sum of impervious surfaces shall be permitted.

5. Regulation: "The stormwater management system shall be designed so that:

- (1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;
- (2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and
- (3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" (Baltimore County Code, Section 22-217(h)).

Findings: In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached information). This will encourage maximum infiltration of stormwater.

Chapter 4
Rainy Day Blues

How rain water moves over and through the ground is important to those of us who have experienced flooded basements, wet yards, or broken septic systems. Solving the problems associated with surface water runoff and poor drainage is also important to improving the health of the Chesapeake Bay.

Rain from roofs and driveways runs off, often eroding yards and destroying plants. Much of the soil washed off vacant lots and lawns is carried into streams and eventually reaches the Bay. This sediment smothers fish and shellfish. Nutrients, such as nitrogen and phosphorus from fertilizer in runoff, can cause excessive algae growth, using up oxygen needed by the Bay's aquatic life. This runoff may also contain pesticides, oil, antifreeze, and other substances toxic to life in the Bay.

Pollution also occurs when the soil is too wet to filter sewage outflow. Effluent can percolate into the groundwater without proper filtration, or it can rise to the surface and be carried into streams and drainage ways.

Dealing with Surface Runoff

On large tracts of land, controlling surface water flow is the developer's responsibility. There are inexpensive ways you can control excess runoff created by patios, driveways, sidewalks, and swimming pools. Whenever the soil drainage condition in your neighborhood, you can use swales, berms, and basins to control runoff on your property, reduce its speed, and increase the time over which the runoff is released. For example, land immediately adjacent to your house needs to have a

downhill slope so that water does not seep through the foundation. Once the water has been carried ten feet from the house, you should regrade the surface so that runoff is released gradually.

Where drainage is good or where infiltration devices are in use, you can regrade the land to create a basin, which holds all runoff and allows it to infiltrate the soil over a longer period of time. The effectiveness of a basin depends on the soil's ability to absorb and filter the surface water. Soils with less than two feet of depth to bedrock or one foot of depth to soil having a high clay content or a clay hardpan beneath the surface, and low-lying soil that receives runoff from a large land area may not have sufficient infiltration capacity.

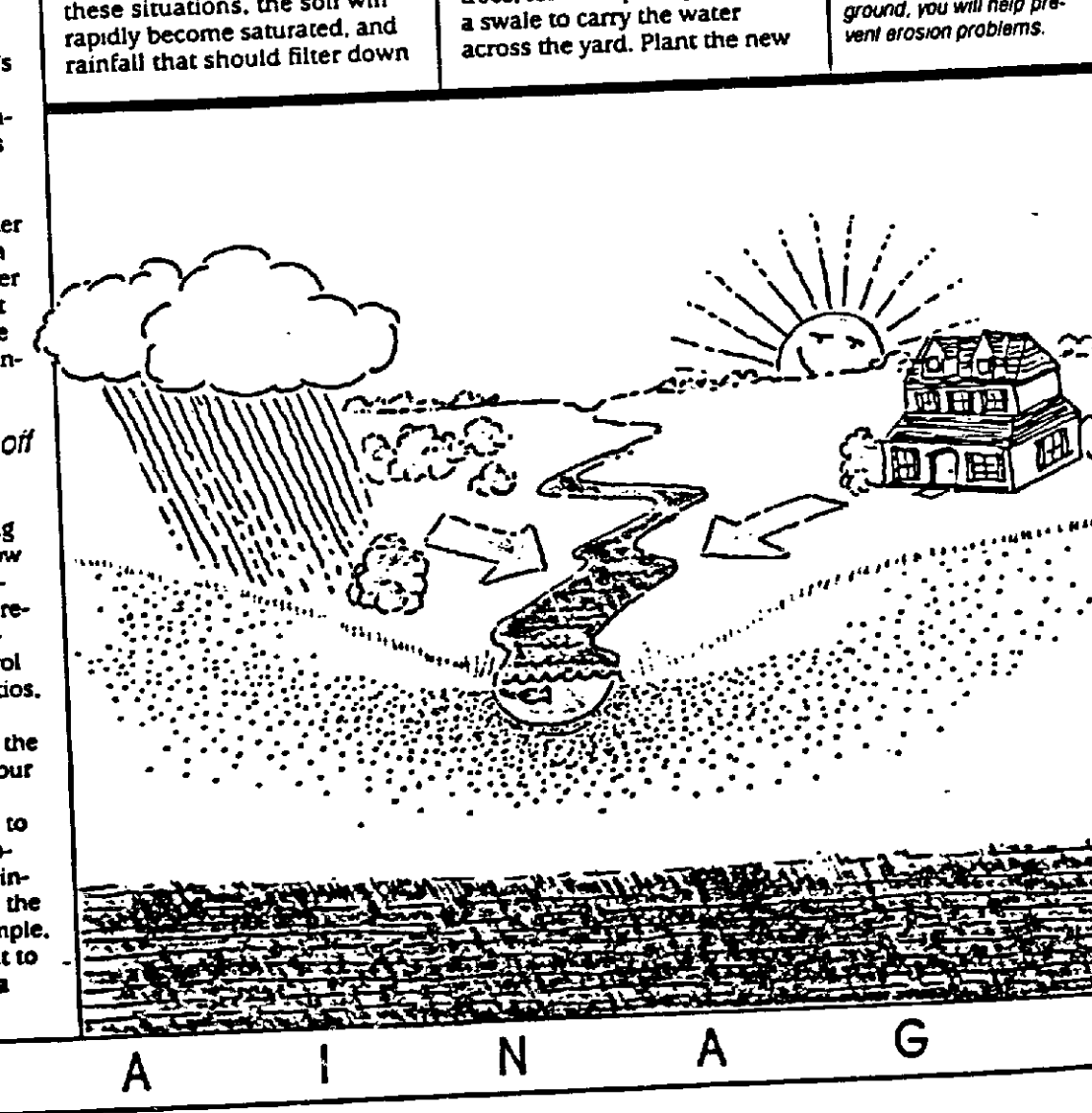
When you see rain runoff in these situations, the soil will rapidly become saturated, and rainfall that should filter down

through the soil will collect on the surface and either create health, safety, and use problems or move across the surface as excess runoff.

Be on the lookout for small wet spots in your yard. These wet spots mean that the soil around your house has settled and surface water is collecting on the ground. Plant growth is usually poor in these areas and erosion often occurs. Filling these pockets with topsoil and seeding them with grass will usually solve the problem by letting water flow on its natural path.

In some instances, you may be able to correct an existing wet soil problem by creating a system of berms and swales around your yard. When it's not feasible to avoid a wet area, you may be able to move it to a less used area of the yard (around shrubs or trees, for example) by installing a swale to carry the water across the yard. Plant the new

swale with plants that will help prevent erosion problems.



DRAINAGE

There is no other location on the property that would be suitable for a deck. The back yard is my driveway coming in from South Cove Road. The deck is between my side door and outside chimney and it would create great hardship to attempt to move either of the existing obstacles. The grant has an existing front porch and is also not conducive to the addition of the deck.

J. Delane Banks 4/1/89

IN CRITICAL AREA* ZONING DESCRIPTION
Beginning at a point at the north
East intersection of Maple and South
Cove Roads, both 50 ft wide being
Lot 2915 in Plat Book #10 Folio 76 and
also known as #2213 Maple Road in
the 15th E.D.

Description is correct
J. Delane Banks 8/10/89

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 11/11/89
Posted for: Variance
Petitioner: Joseph L. Banks, et al.
Location of property: NE corner Maple & S. Cove Rd.
Location of signs: 2213 Maple Rd.
Remarks: 0.75 sq. ft. of lot to be used for a deck.
Posted by: J. Robert Haines Date of return: 11/11/89
Number of signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Joseph Leroy Banks
2213 Maple Road
Baltimore, Maryland 21219

Re: Petition for Zoning Variance
CASE NUMBER: 90-199-A
NEC Maple and S. Cove Roads
2213 Maple Road
15th Election District - 7th Councilmanic
Petitioner(s): Joseph L. Banks, et al.
HEARING: TUESDAY, NOVEMBER 28, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Banks:

Please be advised that \$126.18 is due for advertising and posting of the above captioned property.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001 6150
Number

No 477

90-199

receipt

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

October 17, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-199-A
NEC Maple and S. Cove Roads
2213 Maple Road
15th Election District - 7th Councilmanic
Petitioner(s): Joseph L. Banks, et al.
HEARING: TUESDAY, NOVEMBER 28, 1989 at 2:00 p.m.

Variance to permit an open projection (deck) attached to a dwelling to have a side yard setback of 10 feet in lieu of the required 18.75 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Mr. & Mrs. Banks
File

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, MD 21221 November 2, 1989

THIS IS TO CERTIFY, that the annexed advertisement of

Joseph L. Banks in the matter of Petition for Zoning Variance on 2213 Maple Rd.
Case # 90-199-A, P.O. #0018429, Reg. # M34284
90 lines @ \$55 or \$53.90

was inserted in The Avenue News a weekly newspaper

published in Baltimore County, Maryland once a week for 1

successive week(s) before the 3 day of Nov. 1989.

It is to say, the same was inserted in the issues of Nov. 2 1989.

The Avenue Inc.

per publisher

By Diane Caldwell

Notice of Hearing
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance Case Number: 90-199-A
NEC Maple and S. Cove Roads
2213 Maple Road
15th Election District - 7th Councilmanic
Petitioner(s): Joseph L. Banks, et al.
HEARING: TUESDAY, NOVEMBER 28, 1989 at 2:00 p.m.
Variance: To permit an open projection (deck) attached to a dwelling to have a side yard setback of 10 feet in lieu of the required 18.75 feet.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
NOTE: If the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
Baltimore County
Maryland

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 2, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 22, 1989

THE JEFFERSONIAN.

S. Zebe Olson
Publisher

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

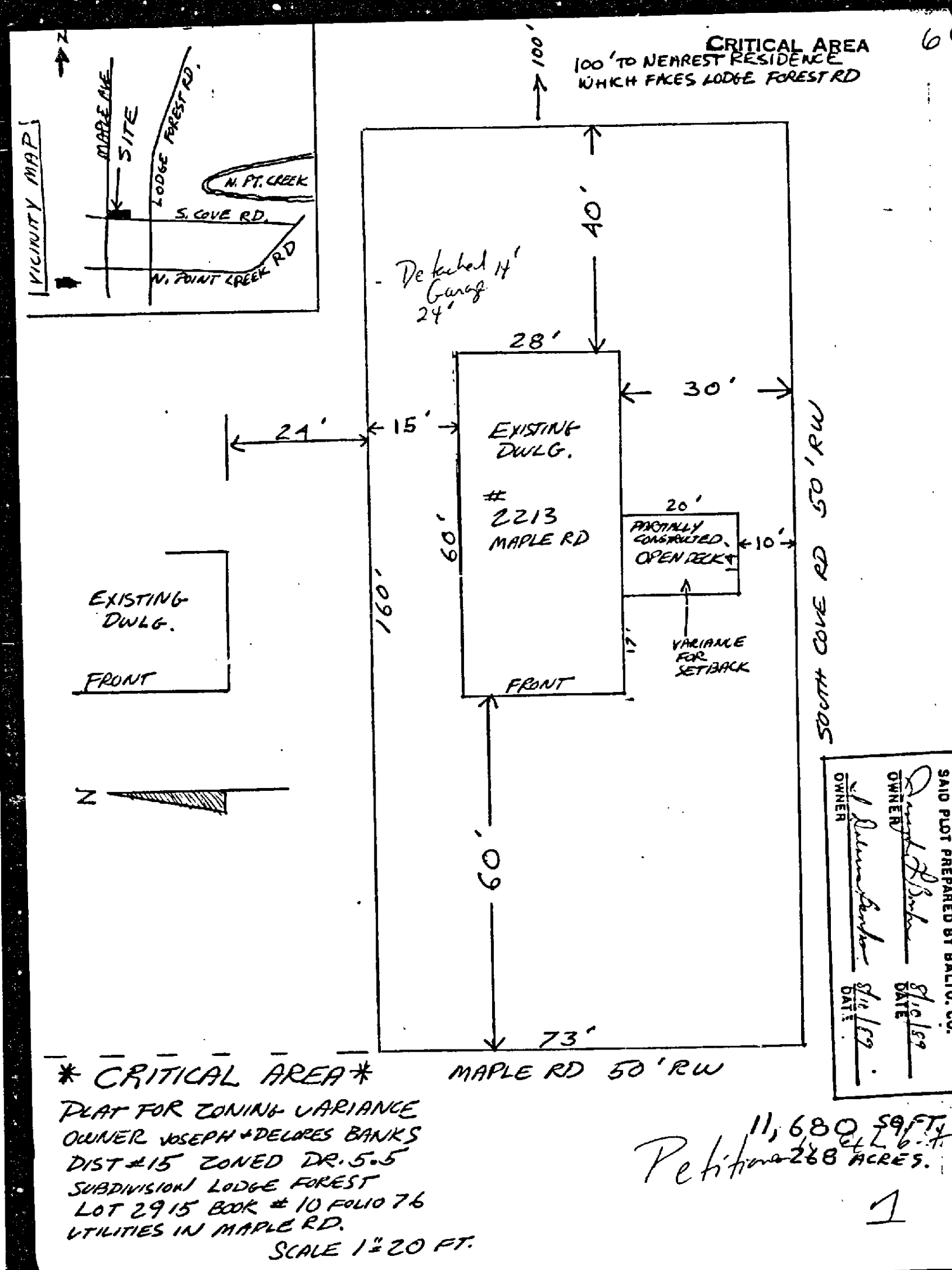
TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Zoning Petition No. 90-199A
Joseph L. Banks, Item 64

The Petitioner requests a Variance to permit an open projection attached to a dwelling to have a side yard setback of 10 feet in lieu of the required 18.75 feet.

In reference to this request, Staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 837-3211.

FK:JL:gg1
ZPVARIOU



* CRITICAL AREA *
PLAN FOR ZONING VARIANCE
OWNER: JOSEPH L. BANKS
DIST #15 ZONED DR-5.5
SUBDIVISION LODGE FOREST
LOT 2915 BOOK #10 FOLIO 76
UTILITIES IN MAPLE RD.
SCALE 1"=20 FT.

NOV 08 1989

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: Joseph L. Banks, et ux

Location: NE Corner of Maple and S. Cove Roads

Item No.: 64

Zoning Agenda: August 22, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. [Signature] 572-59
Planning Group
Special Inspection Division

NOTED &
APPROVED: Capt. [Signature]
Fire Prevention Bureau

/jl

AUG 24 1989

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

RECEIVED
AUG 31 1989

ZONING OFFICE



Dennis F. Rasmussen
County Executive

August 25, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 50, 56, 57, 59, 60, 61, 62, 63, ~~64~~ and 569.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw